

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

In re applications of)	MM Docket No. 93-75
)	
Trinity Broadcasting of Florida, Inc.)	
for Renewal of License of Station)	File No. BRCT-911001LY
WHFT-TV, Miami, Florida)	
)	
Glendale Broadcasting Company)	
for a Construction Permit for a New)	File No. BPCT-911227KE
Commercial Television to Operate on)	
Channel 45, Miami, Florida)	
To: Hon. Joseph Chachkin		
Administrative Law Judge		

SPANISH AMERICAN LEAGUE AGAINST DISCRIMINATION

DIRECT CASE EXHIBITS

David Honig
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Counsel for the Spanish American
League Against Discrimination

November 12, 1993

INDEX TO SALAD DIRECT CASE EXHIBITS

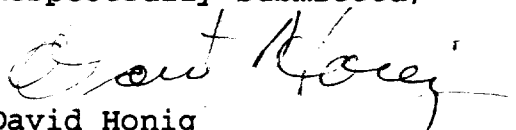
<u>Exhibit Number</u>	<u>Description of Exhibit</u>
1.	Deposition of Bradford Brown, September 16, 1993 (27 pages)
2.	Deposition of Andrew Cherry, Jr. September 13, 1993 (49 pages)
3.	Deposition of Charles Cherry, September 13, 1993 (32 pages)
4.	Deposition of Sherwood DuBose, September 15, 1993 (25 pages)
5.	Deposition of Donald Jones, September 13, 1993 (21 pages)
6.	Deposition of Johnnie McMillian, September 13, 1993 (41 pages)
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8.	Deposition of Kathleen Shea, September 13, 1993 (21 pages)
9.	Deposition of Osvaldo Soto, September 13, 1993 (52 pages)
10.	Deposition of Rodney Thaxton, September 15, 1993 (21 pages)
11.	Deposition of William Thompson, September 15, 1993 (20 pages)
12.	Declaration of Bradford Brown, August 9, 1993 (2 pages)
13.	Declaration of Dr. Andrew Cherry, August 9, 1993 (3 pages)
14.	Declaration of Charles W. Cherry, August 9, 1993 (2 pages)
15.	Declaration of Sherwood Dubose, July 29, 1993 (2 pages)
16.	Declaration of D. Marvin Jones, August 10, 1993 (2 pages)
17.	Declaration of Johnnie R. McMillian, August 10, 1993 (5 pages)

18. Declaration of Carlton Moore, August 10, 1993 (2 pages)
19. Declaration of Kathleen A. Shea, August 11, 1993 (2 pages)
20. Declaration of Osvaldo Soto, August 10, 1993 (2 pages)
21. Declaration of Rodney Thaxton, August 10, 1993 (4 pages)
22. Declaration of William Thompson, Jr., July 30, 1993 (2 pages)
23. Biographical Sketch: Bradford E. Brown (13 pages)
24. Vitae of Dr. Andrew Lawrence Cherry, Jr. (10 pages)
25. Resumé of Charles W. Cherry II (2 pages)
26. Resumé of Rodney Thaxton (3 pages)
27. Resumé of Carlton Moore (2 pages)
28. Illustrative Programming on Channel 45 (WTBF-TV) which the Station Claims to be Responsive to the Issue of AIDS, 1987-1991 (14 pages)
29. Illustrative Programming on Channel 45 (WTBF-TV) which the Station Claims to be Responsive to the Issue of Crime, 1987-1991 (56 pages)
30. Illustrative Programming on Channel 45 (WTBF-TV) which the Station Claims to be Responsive to the Issue of Discrimination/Ethnic and Minority Groups/Immigration, 1987-1991 (16 pages)
31. Illustrative Programming on Channel 45 (WTBF-TV) which the Station Claims to be Responsive to the Issue of Economy/Cost of Living/Inflation/Poverty/Unemployment, 1987-1991 (34 pages)
32. Illustrative Programming on Channel 45 (WTBF-TV) which the Station Claims to be Responsive to the Issue of Education/Schools, 1987-1991 (60 pages)
33. Illustrative Programming on Channel 45 (WTBF-TV) which the Station Claims to be Responsive to the Issue of Housing and Homelessness, 1987-1991 (18 copies)
34. Illustrative Programming on Channel 45 (WTBF-TV) which the Station Claims to be Responsive to the Issue of Pollution and Environment, 1987-1991 (10 pages)

The Spanish American League Against Discrimination ("SALAD") respectfully transmits its Direct Case Exhibits as contemplated by the Order, FCC 93M-418 (released June 28, 1993). An Index is supplied herewith.

These exhibits consist of the deposition testimony of SALAD nonpublic witnesses (SALAD #1-11) their written testimony under penalty of perjury (SALAD #12-22), the vitae or resumes of five of them (SALAD #23-27) and eight summaries of contents of the WTBFF-TV Issues/Programs Lists as derived from the station's public file (SALAD #28-34). All of this material in SALAD #12-34 was the subject of crossexamination at the depositions of the SALAD nonpublic witnesses. SALAD expects to introduce its 34 exhibits at the hearing pursuant to a joint stipulation. SALAD does not expect to bring its nonpublic witnesses to Washington for the hearing.

Respectfully submitted,


David Honig
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Counsel for the Spanish American
League Against Discrimination

November 12, 1993

CERTIFICATE OF SERVICE

I, David Honig, this 12th day of November, 1993, hereby certify that I have caused to be delivered by hand the foregoing "Direct Case Exhibits" addressed to the following:

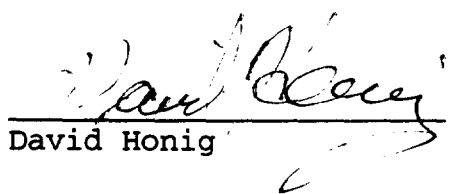
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David Honig

SALAD#1

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In Re Applications of

MM Docket No. 93-75

TRINITY BROADCASTING OF FLORIDA,
INC.

BRCT-911001LY

For Renewal of License for
Television Station WHFT (TV)
Miami, Florida

GLENDALE BROADCASTING COMPANY

BPCT-911227KE

633 South Federal Highway
Fort Lauderdale, Florida
September 16, 1993
Thursday, 10:00 a.m.

DEPOSITION OF BRADFORD BROWN

Taken before Jody L. Warren, Shorthand
Reporter, Notary Public for the State of Florida at
Large, pursuant to Notice of Taking Deposition filed
in the above cause.

COPY

Federal Communications Commission	
Docket No. <u>93-75</u>	Exhibit No. <u>1</u>
Presented by <u>Money</u>	
Disposition	Identified <u>DEC 3, 1993</u>
	Received <u>DEC 3, 1993</u>
	Rejected <u>DEC 3, 1993</u>
Reporter <u>St. Louis</u>	
Date <u>DEC 3, 1993</u>	

APPEARANCES:

MULLIN, RHYNE, EMMONS & TOPEL
By: EUGENE F. MULLIN, ESQUIRE
on behalf of Trinity.

DAVID HONIG, ESQUIRE
on behalf of SALAD.

I N D E X

<u>Witness</u>	<u>Direct</u>	<u>Cross</u>
BRADFORD BROWN	3	4

EXHIBITS

Trinity Exhibit 32, 33 and 34	3
SALAD Exhibit 11	3

1 (Thereupon, Trinity Exhibit 32, 33, 34
2 and SALAD Exhibit 11 were marked for
3 identification by the court reporter.)

4 MR. MULLIN: This is the deposition of Dr.
5 Bradford E. Brown conducted by Trinity. I'm
6 Eugene F. Mullin, counsel for Trinity.

7 Counsel for SALAD is participating by
8 speaker phone from Washington and Mr. Honig, do
9 you want to enter your appearance?

10 MR. HONIG: Yes. This is David Honig of
11 Miami, Florida, counsel for SALAD and has the
12 witness been sworn in?

13 MR. MULLIN: Not yet.

14 MR. HONIG: I'll ask a couple introductory
15 questions and then turn it over to you.

16 Thereupon:

17 BRADFORD E. BROWN

18 was called as a witness and having been duly
19 sworn, was examined and testified as follows:

20 MR. MULLIN: The witness has been sworn.

21 DIRECT EXAMINATION

22 BY MR. HONIG:

23 Q. Dr. Brown, will you state your full name,
24 please?

25 A. Bradford E. Brown.

1 Q. Your address?

2 A. My home address is 11266 Southwest 166th
3 Terrace, Miami, Florida, 33157.

4 Q. And you have provided the court reporter
5 with a biographical sketch, which I understand has
6 been labeled SALAD Exhibit Number 11, is that
7 correct?

8 A. That's correct.

9 MR. HONIG: I have no other introductory
10 questions. The witness is available for cross
11 examination.

12 CROSS EXAMINATION

13 BY MR. MULLIN:

14 Q. Dr. Brown, we've had marked as Trinity
15 Exhibit 32 a notice of deposition. I show you that
16 and I ask if you did receive that document?

17 A. Yes, I did.

18 Q. And from whom did you receive it?

19 A. I know I received it from David. I don't
20 remember, I may have received it in the mail as well.

21 Q. David is Mr. Honig?

22 A. Yes.

23 Q. You may say David, I just want the record
24 to be clear.

25 A. Okay.

1 Q. I show you what's been marked Trinity
2 Exhibit 33. It's a subpoena duces tecum, the last
3 two pages of the exhibit have as an attachment the
4 Declaration of Bradford Brown.

5 I ask you if you've received that document?

6 A. Yes.

7 Q. Did you receive that from Mr. Honig also?

8 A. Yes, I did.

9 Q. Would you look, sir, at the page of Exhibit
10 33 marked Exhibit A at the paragraphs at the top of
11 the page numbered one, two and three which describe
12 categories of documents?

13 A. Yes.

14 Q. Do you have in your possession any
15 documents falling within the descriptions in those
16 paragraphs?

17 A. What I have in my possession is the
18 document given to me by David submitted by Trinity
19 which described programs on the broadcasting station.
20 That is the only material that I have.

21 Q. All right. I'm going to show you, if I can
22 be permitted a question doubling in form, two
23 previously marked exhibits, one is Trinity Exhibit
24 20, an Issues/Programs List on the issue of
25 Discrimination, Ethnic and Minority Groups and

1 Immigration and the other just marked for this
2 deposition is Trinity Exhibit 34, an Issues/Programs
3 List in the area of "Pollution Environment".

4 I will ask you if those two documents are
5 documents that you also have in your possession?

6 A. Well, these were the documents that I
7 referred to earlier. These are the only documents
8 relative to Trinity Broadcasting that I have.

9 Q. Do you not also have, sir, or do you have a
10 document which I'm going to show you now which is
11 identified in this proceeding as Trinity Exhibit 5,
12 it is a three page document, the first two pages of
13 which are a letter addressed to Colleagues and
14 Friends - pardon me, the first three pages of which
15 are addressed to Colleagues and Friends and the
16 fourth page of what is actually a four page document
17 is a page of questions. Do you also have that
18 document?

19 A. I do not think I still have that document,
20 but I did see this document.

21 Q. Would you look at the last page, the
22 question page, did you prepare answers to the
23 questions on that page?

24 A. Yes, I did.

25 Q. Did you prepare them in writing?

1 A. I prepared most of them in writing and then
2 we discussed them, but basically, yes, I commented on
3 these questions.

4 Q. Where is the writing that you prepared in
5 answer to --

6 A. Everything that I gave was submitted to
7 Mr. Honig. I kept no copies of that.

8 MR. MULLIN: Mr. Honig, do you have Dr.
9 Brown's written responses to the questions
10 attached to the Colleagues and Friends letter?

11 MR. HONIG: No, I don't. I believe that
12 what happened with a couple of the witnesses who
13 had provided some handwritten answers was that
14 they were given to my summer associate. I
15 wasn't in the office. He did a draft from those
16 and then sent them to the respective witnesses,
17 but we have no other such written documents. We
18 don't have the handwriting either.

19 Q. Dr. Brown, would you look at Trinity
20 Exhibit 33, the pages that constitute the Declaration
21 of Bradford Brown.

22 Was that document sent to you either by
23 Mr. Honig or by Mr. Shanks, as we just described as
24 his summer associate, or was it typed by you perhaps?

25 A. No. I believe that this was prepared from

1 the handwritten material that I sent and then was
2 sent to me to see if, in fact, this was, you know. I
3 read it. It is a statement that I signed and agreed
4 to, but I - it was drawn from the handwritten letter
5 that I had sent to him.

6 Q. Now, the actual typing of the document was
7 done where or do you know?

8 A. I don't know exactly where it was done. I
9 assume it was done in Mr. Honig's office, but he may
10 have had somebody do it someplace else. I don't
11 know.

12 Q. When you received it from Mr. Honig's
13 office or where ever you received it, did you make
14 any changes or did you sign it in the same form which
15 you received it?

16 A. I signed it in the same form which I
17 received it.

18 Q. Would you go back to Trinity Exhibit 5, the
19 questions that were asked. Question Number 3 is in
20 brackets - excuse me, question Number 2 is, "Are you
21 a regular viewer of Channel 45?" Did you answer that
22 question in writing?

23 A. I don't know that I answered it in writing
24 or orally, but I did answer it, yes.

25 Q. You answered it to whom, Mr. Shanks or

1 Mr. Honig?

2 A. Mr. Honig.

3 Q. What answer did you give him?

4 A. No. In fact, I do not believe - I could
5 not find it. My cable in South Dade does not carry
6 it to my knowledge.

7 Q. Have you ever seen a program on Channel 45?

8 A. No. Since it's not carried on my cable, I
9 have not. My knowledge is based on their submission
10 of the issues that I studied.

11 Q. Let me pin it down then so that it reads
12 precisely in the record.

13 Is this a true statement, all of your
14 knowledge of the programming on Channel 45 comes from
15 what you have read in the documents that have been
16 identified in this proceeding as Trinity Exhibit 20
17 and Trinity Exhibit 34?

18 A. That's correct.

19 MR. MULLIN: Mr. Honig, I neglected to tell
20 you one thing. The Issues/Programs Lists that
21 have been received in evidence including Trinity
22 20 and Trinity 34 are exactly as I received them
23 from you with this exception, in the case of
24 each of them I paginated the document, putting
25 the number one in the bottom right-hand corner

1 of the cover page and the number two and
2 successive numbers in the bottom right-hand
3 corner of the following pages.

4 MR. HONIG: Sure.

5 MR. MULLIN: And I may be referring to
6 these documents by page number and my habit has
7 been to refer to them by page number and also by
8 date of program. I think you'll be able to
9 follow that with no difficulty.

10 Q. (By Mr. Mullin) Dr. Brown, because the
11 written transcript in this proceeding has no eyes and
12 it may conceivably be relevant, would you state for
13 the record whether you are an African American person
14 or a Caucasian person?

15 A. I'm a Caucasian.

16 Q. On your exhibit, and when I say your
17 exhibit, I mean your Declaration which is Exhibit 33,
18 you refer to an organization called the Metro-Miami
19 Action Plan Trust.

20 A. Yes.

21 Q. Would I be correct in concluding that the
22 Metro-Miami Action Plan Trust is somehow associated
23 with the Metro-Miami Action Plan?

24 A. Yes.

25 Q. Are they the same organization or is one an

1 affiliate of the other or what is the relationship?

2 A. Approximately a little over a year ago, the
3 former Metro-Miami Action Plan was restructured by
4 the Dade County Commission to be a formal public
5 trust, similar to other trusts that are formed.
6 Therefore, the membership became appointed by the
7 commission and the board is run in a legal manner as
8 a county trust, but it's formally sort of an ad hoc
9 county agency advisory board relationship.

10 Q. And you were named as one of the trustees?

11 A. Yes, I was.

12 Q. Were you aware of the organization that is
13 the Metro-Miami Action Plan prior to the time you had
14 received this appointment?

15 A. Oh, yes. I had been a member of the
16 board - of the old board Metro-Miami Action Plan for
17 some time.

18 Q. Do you know a Dr. Larry Capp or to be more
19 precise in July of 1988, did you know Dr. Larry Capp?

20 A. Yes, I did. Yes, I do. Did and do.

21 Q. And you recognize, do you not, that he was
22 in July of 1988 the executive director of Metro-Miami
23 Action Plan?

24 A. He's former executive director for Miami
25 Action Plan.

1 Q. I'm going to direct your attention to
2 Trinity Exhibit 20, Page 5, the program summary at
3 the bottom of the page. The date is July 15, 1988.
4 Would you just read over to yourself that program
5 description which goes over to Page 6?

6 A. Yes.

7 Q. Now, you, of course, did not see the
8 program?

9 A. No.

10 Q. All you know about the program is what
11 you're reading about it in the Trinity exhibit I've
12 just shown you, is that correct?

13 A. That's correct.

14 Q. You would agree, would you not, that the
15 program does appear to be addressed to an issue of
16 importance to the minority community, particularly
17 the African American community in Dade County?

18 A. Certainly Metro-Miami Action Plan is an
19 issue of importance in the minority community as well
20 as the total community of Dade County.

21 Q. Did you notice, as you looked at the
22 introduction to the program description, that the
23 program ran for an hour and 59 minutes and 48
24 seconds, I believe? Have you ever seen on any
25 television station in the Miami area a two hour

1 discussion on a topic at all similar to the topic
2 that appears to have been discussed in this program
3 on July 15, 1988?

4 A. The length of the program in terms that he
5 served as a guest on. It does not tell me that that
6 entire program was related to that particular
7 discussion as opposed to the program Praise the Lord.

8 Q. You don't know?

9 A. I don't know. I do know that the summary
10 is a very - is something that would be certainly not
11 a review of the Metro-Miami Action Plan. It would be
12 much, much broader than that and if one had two hours
13 or if had one-half hour date, the show would be much
14 broader than this extremely very brief summary.

15 Q. One could easily devote two hours to
16 discussing the work of the Miami-Metro Action Plan,
17 is that correct?

18 A. One could easily do this, but it would be
19 much broader than just strictly a discussion related
20 to the poor family structure within the black
21 community. It would be a fair broader approach as
22 Metro-Miami Action Plan has done.

23 Q. And you would conclude, would you not, that
24 no ten or fifteen line summary of any two hour
25 program could give you very much information about

1 the contents of that program?

2 A. Certainly a ten to fifteen line comment
3 can't go into details, but I would assume that it
4 would outline the scope of the program and I find
5 that a very narrow scope, particularly - I find it
6 hard to believe it was two hours on that.

7 Q. So reading that program description doesn't
8 really tell you very much, does it, about the
9 contents of the program?

10 A. I have to assume that since that's my basis
11 of information that that was covered in part on the
12 program, but there was nothing else covered because
13 they say nothing else was covered.

14 Q. Would you look at Page 3 of the same
15 exhibit, a program identified as having been
16 broadcast on February 23, 1989? Would you agree that
17 that appears to be directed to a matter of interest
18 to the minority community, especially the African
19 American community anywhere in the country, not just
20 in Dade County?

21 A. I would say that it's an item of some
22 interest, but certainly not an item of real major
23 interest to the African American community. In fact,
24 I would say that as a topic that creates curiosity
25 and attention, inter-racial marriages probably create

1 greater attention within the majority community than
2 they do within the African American community itself.

3 Q. Has that been your observation?

4 A. As a partner in such a marriage, yes.

5 Q. But it is not a matter that is not of
6 interest in the African American?

7 A. No. It's certainly of some general
8 interest but it's certainly not a critical issue.

9 Q. On the same page, the program on February
10 22, 1989 -- and I should tell you the letter N
11 indicates that it is a network program whereas the
12 letter L when and if it appears indicates it's a
13 local program.

14 I'm directing your attention to what is an
15 N program and we'll recognize that and I ask you if
16 the programming broadcast on February 22, 1989, from
17 what we can tell about it, appears to you to be
18 addressed to a matter of interest to the black
19 community?

20 A. Definitely.

21 Q. Would you look at Page 12 of the exhibit?
22 I'm going to direct your attention to a program
23 broadcast on August 17, 1987, the description begins
24 on Page 12 and goes over onto Page 13 and I will have
25 the same question when you finish reading that.

1 A. Yes.

2 Q. The answer is yes, it is addressed to a
3 matter of interest?

4 A. It's addressed to a matter of interest,
5 yes.

6 Q. Could we look now at Page 15 of the
7 exhibit, the program identified as having been
8 broadcast on April 3, 1987?

9 A. Yes, here it is, Praise the Lord program.

10 Q. Does that program appear to you to be
11 addressed to a matter of interest to any minority
12 community anywhere, particularly the minority
13 community or any minority community in Dade county?

14 A. Yes. The discussion here is on the EEOC,
15 but typical of all of the others, they tend to be a
16 very one person, one side view as opposed to a real
17 discussion of the issues.

18 Q. Well, let's dwell on that. The person that
19 appeared from what we can tell from the description
20 is a supervisory administrative judge for the Equal
21 Employment Opportunity Commission. Would you expect
22 her views to be one sided or unbalanced in any way?

23 A. I work for a Federal agency. My
24 constituents would certainly not want to have the
25 view of how our federal agency performed and what it

1 does strictly judged by a Federal bureaucrat telling
2 them about it as opposed to talking about other
3 people involved, perhaps bringing cases with EEOC.
4 In other words, it's not a broad scale discussion of
5 the laws. It certainly has some. It would not be
6 what one would look at as a program --

7 Q. Well, you're not suggesting, are you, that
8 an administrative judge with the EEOC is a person who
9 one would expect to be uninformed about EEOC
10 procedures?

11 A. I think that if the topic is strictly EEOC
12 procedures, certainly one can. But if one is talking
13 about the role of EEOC, its effectiveness, how one
14 deals with discrimination, I think that one would
15 take the same view with EEOC as one would with any
16 Federal agency, that one would be interested in
17 hearing a broad scope of people who are interested
18 and act with EEOC, not just a person who is a member
19 of the Federal bureaucracy.

20 Q. From your background and in your
21 experience, is Florida or has there been in the
22 United States and recent years racial or
23 discrimination against African American persons in
24 churches, EEOC organizations?

25 A. Yes. I think that we haven't changed a lot

1 from the same in the sixties, that 11:00 on Sunday is
2 the most segregated hour in America.

3 MR. MULLIN: Off the record.

4 (Thereupon, a discussion was held off the
5 record.)

6 Q. (By Mr. Mullin) Dr. Brown, you would agree
7 then, would you not, that programming on a station
8 that devotes itself largely to --

9 MR. HONIG: What were you saying, I'm
10 sorry?

11 Q. Dr. Brown, would you agree then, would you
12 not, that programming on a station that devotes
13 itself largely to religious programming or to
14 religious organizations which deals with the subject
15 of discrimination against African American in
16 churches is worthwhile programming?

17 A. Yes.

18 Q. Would you now take a look, sir, at the
19 Trinity Exhibit 34 which was just marked this
20 morning?

21 A. Yes, I have it here.

22 Q. And again, perhaps this is redundant, but I
23 want to be very precise about it, you have not seen
24 or reviewed any of the particular programs that are
25 described in that exhibit?